

Affidavit in Support of a Criminal Complaint and Arrest Warrant

Introduction and Agent Background

3. The facts set forth in this affidavit are based on the following: my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, my review of records related to this investigation, communication with others who have knowledge of the events and circumstances described herein, and information gained through my training and

experience. Because this affidavit is submitted for the limited purpose of establishing probable cause in support of the application for an arrest warrant, it does not set forth each fact that I or others have learned during this investigation.

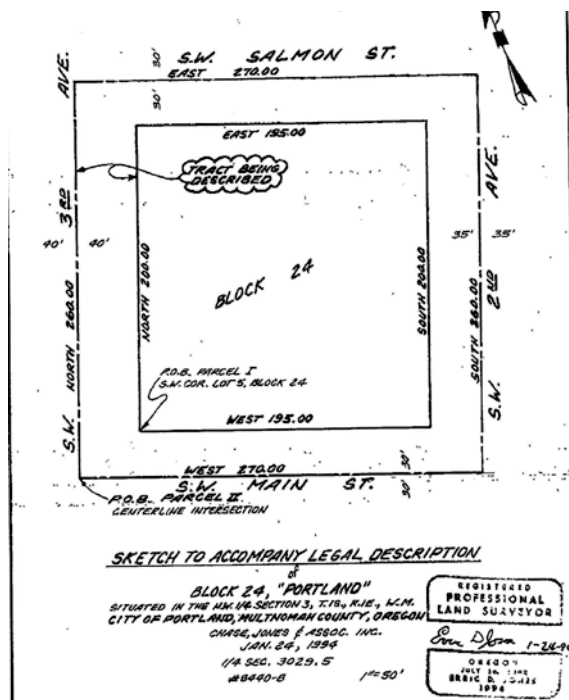
Applicable Law

4. 18 U.S.C. § 111(a)(1) makes it an offense to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties. Persons designated in § 1114 include any officer or employee of the United States or of any agency in any branch of the United States government while such officer or employee is engaged in or on account of the performance of official duties, and any person assisting such an officer or employee in the performance of official duties. Under § 111(a), simple assault is a misdemeanor, but where the assaultive acts involve physical contact with the victim, the offense is a felony punishable by imprisonment up to 8 years. 18 U.S.C. § 111(b) provides for an enhanced penalty; where the assaultive conduct involves the use of a deadly or dangerous weapon, or causes bodily injury, the offense is punishable by a term of imprisonment up to 20 years.

Statement of Probable Cause

5. Since on or about May 26, 2020, protesters have gathered in Portland public areas to protest. Three of these public areas are Lownsdale Square, Chapman Square and Terry Schrunk Plaza. The Portland Justice Center, housing Portland Police Bureau's (PPB) Central Precinct and the Multnomah County Detention Center (MCDC), border these parks, as does the

Mark O. Hatfield United States Federal Courthouse¹. The United States of America owns the entire city block (Block #24) occupied by the courthouse building depicted below:



Daily protests have regularly been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault. The Mark O. Hatfield Courthouse has experienced significant damage to the façade, glass, and building fixtures during the weeks following this incident. Additionally, mounted building security cameras and access control devices have been vandalized or stolen. The most recent repair estimate for the damage at the Mark O. Hatfield Courthouse is in excess of \$50,000. Other federal properties in the area routinely being vandalized include the historic Pioneer Federal Courthouse, the Gus Solomon

¹ As part of my duties, I am familiar with the property boundaries for federal facilities in the Portland Oregon area. The federal government owns the entire city block occupied by the Mark O. Federal Courthouse. Easements have been granted for the sidewalks surrounding the facility. The property boundary extends past the sidewalks and into the streets surrounding the courthouse.

Courthouse, and the Edith Green Wendall Wyatt Federal Office Building. FPS law enforcement officers, U.S. Marshal Service Deputies and other federal law enforcement officers working in the protection of the Mark O. Hatfield Courthouse have been subjected to assault, threats, aerial fireworks including mortars, high intensity lasers targeting officer's eyes, thrown rocks, bottles and balloons filled with paint, and vulgar language from demonstrators while performing their duties.

6. On July 30, 2020, at approximately 12:45 a.m., an unknown male, later identified as Evan KRIECHBAUM, was observed picking up a newly expended tear gas canister thrown by uniformed federal officers in order to disperse violent opportunists from damaging federal property. The incident occurred across the street from Hatfield Federal Courthouse, at Lownsdale Park, near the east sidewalk, near 3rd Ave and SW Salmon Street. At that time, uniformed federal law enforcement officers were staged in a linear formation, adjacent to Hatfield Federal Courthouse to provide exterior security, and to direct violent opportunists away from federal property. Immediately after the uniformed federal law enforcement officers deployed the canister of tear gas (on the ground), the federal officers saw KRIECHBAUM pick up the smoking or "hot" tear gas canister from the ground. They immediately attempted to temporarily detain KRIECHBAUM for officer safety. The officers did not intend to arrest KRIECHBAUM, because they did not witness KRIECHBAUM attempting to throw the tear gas canister at law enforcement.

7. During the detention, KRIECHBAUM actively resisted uniformed federal law enforcement officers, by swinging his left elbow in a rear motion, towards the head and face of the uniformed law enforcement officer, making physical contact with the left side of the face of

U.S. Customs and Border Patrol Officer #1 (victim). The blow from KRIECHBAUM'S elbow created enough force to break the airtight seal on Officer #1's protective mask. In addition to the protective mask, the Officer 1 was wearing a dark blue uniform marked with "POLICE" and a helmet. Due to the protective gear, Officer 1 did not display any visible bruising in the areas where KRIECHBAUM had struck him with his elbow. U.S. Customs and Border Patrol Officer #2 witnessed KRIECHBAUM resisting, rapidly swing his hands and arms, and jerking away from law enforcement control. Officer #2 observed KRIECHBAUM hit Officer #1 in the face with an elbow while KRIECHBAUM actively resisted law enforcement detention. The officers arrested KRIECHBAUM and transported him to the Hatfield Federal Courthouse for processing.

8. On July 30, 2020, at approximately 2:11 a.m., Federal Protective Service conducted a custodial interview of KRIECHBAUM at the Hatfield USCH. I read KRIECHBAUM his Miranda Rights, and KRIECHBAUM made voluntary to the officers. KRIECHBAUM confirmed his name as Evan Louis KRIECHBAUM, and provided his date of birth. KRIECHBAUM stated he is single man, from Portland, Oregon. I informed KRIECHBAUM of the assault allegations brought against him. KRIECHBAUM stated that he actively resisted law enforcement detention and that he "may have" hit a uniformed law enforcement officer with his elbow. KRIECHBAUM also made that statement that he did not realize the uniformed law enforcement officers were police officers at the time. KRIECHBAUM later stated he complied with law enforcement once he realized they were police.


9. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Natalie Wight, who advised that in his opinion the affidavit and complaint are legally and factually

sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Bryan Turk

BRYAN TURK
Special Agent
Federal Protective Service

Sworn to by telephone or other reliable means at 8:17 a.m./~~p.m.~~ in accordance with
Fed. R. Crim. P. 4.1 this 30 day of July 2020.



HONORABLE JOLIE A. RUSSO
United States Magistrate Judge